

1 Brenton R. Babcock (SBN 162,120)
Brent.Babcock@wbd-us.com
2 WOMBLE BOND DICKINSON (US) LLP
3200 Park Center Drive, Suite 700
3 Costa Mesa, CA 92626
Telephone: (714) 557-3800; Facsimile: (714) 557-3347

4
John W. Cox, Ph.D. (*pro hac vice*)
5 John.Cox@wbd-us.com
WOMBLE BOND DICKINSON (US) LLP
6 271 17th Street, NW, Suite 2400
Atlanta, GA 30363
7 Telephone: (404) 888-7000; Facsimile: (404) 879-2699

8 *Attorneys for Plaintiffs*
NUTRAMAX LABORATORIES, INC. and
9 NUTRAMAX LABORATORIES CONSUMER CARE, INC.

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
SOUTHERN DIVISION

12 NUTRAMAX LABORATORIES,
INC. and
13 NUTRAMAX LABORATORIES
CONSUMER CARE, INC.,

14 Plaintiffs,

15 v.

16 BODY WISE INTERNATIONAL,
INC.,

17 Defendant.

Case No. 8:18-cv-02076

**NOTICE OF MOTION AND
MOTION FOR DEFAULT
JUDGMENT AGAINST
DEFENDANT BODY WISE
INTERNATIONAL, INC.**

Concurrently filed with:

1. Memorandum of Points and Authorities;
2. Declaration of John W. Cox;
3. Declaration of Grace A. Cornblatt
4. Proposed Order

Judge: Hon. David O. Carter
Motion Date: March 4, 2019

NOTICE OF MOTION AND MOTION

NOTICE IS HEREBY GIVEN that on March 4, 2019 at 10:00 a.m., or as soon thereafter as the matter may be heard by the Hon. David O. Carter, in Courtroom 9D of the above-entitled Court, located at Ronald Regan Federal Building, U.S. Courthouse, 411 West Fourth Street, Sana Ana, California, Plaintiffs Nutramax Laboratories, Inc. (“Nutramax Labs”) and Nutramax Laboratories Consumer Care, Inc. (“Nutramax Consumer Care”) (collectively, “Nutramax”) will and hereby does move the Court for an order entering a default judgment against Defendant Body Wise International, Inc. (“Body Wise”) pursuant to Federal Rule of Civil Procedure 55 on its claims for patent infringement in violation of 35 U.S.C. § 271, et seq. With the request for a default judgment Nutramax further requests an order for accounting on Body Wise’s sales to determine damages, injunctive relief, and attorney fees and costs.

This motion is made following the attempted conference with Body Wise pursuant to Local Rule 7-3 which took place on January 3, 2019; however, Body Wise has ceased communicating with Nutramax. Cox Dec. ¶¶ 10-11.

This Motion is based on this Notice of Motion and Motion, the Declarations of John W. Cox and Grace A. Cornblatt, the Memorandum of Points and Authorities in support of this Motion for Default Judgment, and the

1 pleadings, files, and other matters that may be presented at the hearing on this
2 motion.

3
4 Dated: January 29, 2019

Respectfully submitted,

5 By: /s/ Brenton R. Babcock
6 Brenton R. Babcock
Brent.Babcock@wbd-us.com
7 WOMBLE BOND DICKINSON (US) LLP
3200 Park Center Drive, Suite 700
8 Costa Mesa, CA 92626
(714) 557-3800 (telephone)
(714) 557-3347 (facsimile)

9
10 John W. Cox, Ph.D. (*pro hac vice*)
John.Cox@wbd-us.com
WOMBLE BOND DICKINSON (US) LLP
11 271 17th Street, NW, Suite 2400
Atlanta, GA 30363
12 (404) 888-7000 (telephone)
(404) 879-2699 (facsimile)

13
14 *Attorneys for Plaintiffs*
Nutramax Laboratories, Inc. and
15 Nutramax Laboratories Consumer
Care, Inc.

CERTIFICATE OF SERVICE

On this date, January 29, 2019, the undersigned will serve upon Defendant via electronic mail the filed copy of:

Notice of Motion and Motion for Default Judgment Against Defendant Body Wise International, Inc.

By: /s/ Brenton R. Babcock
Brenton R. Babcock

Attorneys for Plaintiffs
Nutramax Laboratories, Inc. and
Nutramax Laboratories Consumer
Care, Inc.